

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BORIS HARPER

PETITIONER

v.

NO. 2:04CV262-M-B

DONALD CABANA, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated July 11, 2005, and the July 20, 2005, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated July 11, 2005, is hereby approved and adopted as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 is hereby **DENIED**.
3. That this case is **CLOSED**.

THIS, the 7th day of September, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE